

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2002-304-T - ORDER NO. 2006-592  
OCTOBER 13, 2006

IN RE:	Petition of the Office of Regulatory Staff to	)	ORDER REVOKING
	Revoke the Certificate of Public Convenience	)	CERTIFICATE
	and Necessity of Perry L. Farrow, III d/b/a	)	
	Palmetto Moving & Storage For Failure to	)	
	Maintain and File Evidence of Insurance	)	

This matter comes before the Public Service Commission of South Carolina (“the Commission”) by way of the Petition of the Office of Regulatory Staff (“ORS”) to revoke the Certificate of Public convenience and Necessity of Perry L. Farrow, III d/b/a Palmetto Moving & Storage (“Palmetto”) for failure to maintain and file evidence of insurance. ORS's Petition was filed with the Commission on June 26, 2006. As set forth in S.C. Code Ann. §58-23-10, et seq. (Supp. 2005), the Commission is responsible for the regulation of motor vehicle carriers operating for compensation and pursuant to S.C. Code Ann. §58-4-10, et seq., as enacted by 2004 S.C. Acts 175, the ORS is charged with the duty to protect the public interest.

On June 26, 2006, the ORS filed a Petition for a Rule to Show Cause notifying the Commission that it had been notified by Palmetto’s insurance carrier, Auto-Owners Insurance Company, on January 18, 2005, that Palmetto’s insurance was canceled effective January 16, 2005. Palmetto subsequently requested, and was granted in PSC Order No. 2005-304, a one year suspension ending on June 7, 2006. The Certificate of

Public Convenience and Necessity issued to Palmetto, along with a stamp indicating “Suspended” for one year ending June 7, 2006, was attached to the ORS Petition in this matter as Attachment A. The Notice from Auto-Owners notifying Palmetto and the ORS of the cancellation of Palmetto’s insurance was attached to the ORS Petition as Attachment B. Prior to the end of the one year suspension on June 7, 2006, the ORS then attempted to contact Palmetto at the business address on file with the ORS and the Commission to notifying the Company of the end of the one year period of suspension and the need for the Company to file evidence of insurance with the ORS. As evidenced by Attachment C to the ORS Petition, Palmetto received this notice from the ORS on June 3, 2006. As shown in Attachment D to the ORS Petition (the Affidavit of ORS employee Jeanne Gordon) Palmetto has failed to provide evidence of proof of current insurance and had failed to reply to the ORS demand.

The Commission set this matter for a full hearing on the merits and notified the parties that the hearing would take place on August 24, 2006, at 2:30 p.m. A formal hearing regarding this matter was convened at the PSC offices in Columbia, South Carolina at that date and time. ORS was represented by Jeffrey M. Nelson, Esquire. Jeanne Gordon of ORS's Transportation Department testified for the ORS. The Company did not appear at the hearing. At the hearing, Ms. Gordon presented testimony that Palmetto, which is certificated by the Commission under Certificate No. 9725 to furnish household goods moves in Anderson, Pickens, and Oconee Counties, had failed to file proof of insurance as required by South Carolina law and the Commission’s regulations.

Additionally, the ORS states in its Petition that it notified Palmetto, via certified mail, of their failure to file the required proof of insurance.

The Commission finds that Palmetto has failed to comply with the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law [S.C. Code Ann. Section 58-23-10 et.seq. (1976)] as of the date of the hearing in this matter. The Commission is also of the opinion, and so finds, that the Certificate issued by the Commission to Palmetto to furnish household goods motor freight services should be revoked and cancelled for the company's continued willful violation of the Commission's Rules and Regulations and/or the South Carolina Vehicle Carrier Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the Certificate of Public Convenience and Necessity of Perry L. Farrow, III d/b/a Palmetto Moving & Storage (Certificate No. 9725) is hereby revoked and cancelled.
2. That all operating rights authorized under the Certificate issued to Mr. Farrow and cancelled by this Order are now declared by this Commission to be null and void.

3. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
G. O'Neal Hamilton, Chairman

ATTEST:

  
Robert Mosley, Vice Chairman

(SEAL)